

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F037661 Musaelian v. Farnan

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F040780 Davis Sr. et al. v. Huber

Pursuant to written stipulation of the parties hereto, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F041173 Wengerd v. Barton

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F041173 Wengerd v. Barton

The order is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037630 In re Marriage of DeSantiago

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F040664 In re Julia V., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F040664 In re Julia V., a Minor

The parental and probation approval condition is modified to provide that Julia is not to associate with anyone of whom she knows her parents or the probation officer disapprove. As so modified, the orders of the juvenile court are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038278 Springstead et al., v. Chevron U.S.A., Inc.,

The judgment is reversed and the case is remanded to the trial court for further proceedings. Costs on appeal are awarded to appellants. Levy, J.

We concur: Buckley, Acting P.J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041329 Conservatorship of the Person of Gary B.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F041329 Conservatorship of the Person of Gary B.

The order imposing special disabilities is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041542 L.D. v. Superior Court of Kern Co.; Kern Co. Dept. of Human Services

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Let an extraordinary writ issue directing respondent court to conduct a new six-month review hearing pursuant to section 366.21, subdivision (e). At that hearing, the court is directed to vacate its September 16, 2002, orders terminating reunification services and scheduling a section 366.26 hearing and order an additional six-month period of reunification.

Prior to the rehearing on the six-month review, county counsel and the department may want to consider filing a section 388 petition requesting the court modify its dispositional order denying petitioner further reunification services pursuant to section 361.5, subdivision (b)(2) and requesting that the matter be heard in conjunction with the six-month review hearing.

In the event county counsel files such a section 388 petition and should the court find petitioner suffers a mental disability that renders her incapable of benefiting from further services, the court may vacate its orders terminating reunification services and setting a section 366.26 hearing and enter new orders denying petitioner reunification services and setting a section 366.26 hearing.

In all other respects, the findings and orders of the court are affirmed. Nothing in this opinion should be construed as direction to return P.D. to petitioner's custody.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040558 In re D. D. P. et al., Minors.

The order of the juvenile court denying reunification services to appellant is affirmed. Dibiaso, Acting P.J.

We concur: Wiseman, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037968 People v. Vasquez et al.,

The judgment of conviction for count two is reversed. The judgment of conviction for count one is affirmed. The matter is remanded only for resentencing on count one. Dibiaso, Acting P.J.

We concur: Wiseman, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

IN THE

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Fifth Appellate District

F040144 Banks v. California Correctional Officers et al.

No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F039976 People v. Becker

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F039976 People v. Becker

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F037676 People v. Shupp

The judgment is reversed. The matter is remanded to the trial court with directions to vacate the convictions on counts two, three, five and six and to resentence appellant on count one, which resentencing shall include determinations about whether any or all of the alleged prior convictions were strike priors within the meaning of the Three Strikes law as it read on December 31, 1999. Dibiaso, Acting P.J.

We concur: Wiseman, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041154 People v. Steckbauer

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.